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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Peter Strojnik, (Sr.),

Plaintiff,

vs.

State Bar of Arizona, an Arizona nonprofit
corporation; Shauna Miller and John Doe
Miller, husband and wife; Maret Vessella
and John Doe Vessella, husband and wife;
yet unknown Entities and Persons who
participated in the conspiracy alleged
below,

Defendants.

Case No. CV-19-02704-PHX-DJH

**DEFENDANTS' MOTION TO DEFER
SCHEDULING ORDER (DOC. 44)
DEADLINES (First Request)**

Defendants State Bar of Arizona's ("SBA"), Shauna Miller's and John Doe Miller's ("Miller"), and Maret Vessella's and John Doe Vessella's ("Vessella") (collectively, "State Bar Defendants" or "SBA Defendants") move to defer the deadlines set forth in the Rule 16 Scheduling Order [Doc. 44], pending resolution of their potentially dispositive Motion to Dismiss Plaintiff's Second Amended Complaint [Doc. 43]. Those motion is supported by the following Memorandum of Points and Authorities.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 On July 17, 2019, Plaintiff Strojnik filed his Second Amended Complaint (Doc. 22)
3 in this matter. On August 14, 2020, the parties submitted their Joint Case Management
4 Report (Dec. 40), in which the SBA Defendants stated that they would file their Motion to
5 Dismiss that complaint on August 15, 2019. They did so (Doc. 43). On August 19, 2019,
6 this Court issued its Rule 16 Scheduling Order (Doc. 44). Also on August 19, 2019, Plaintiff
7 filed his Opposition to Defendant State Bar of Arizona's Motion to Dismiss Second
8 Amended Complaint (Doc. 45). The SBA Defendants replied (Doc. 49) on August 26, 2019.

9 During the pendency of Defendants' Motion to Dismiss, the parties have exchanged
10 their MIDP Initial Discovery Responses but have conducted no other discovery. Pursuant
11 to the Notice to Parties – Mandatory Initial Discovery Project (Doc. 3), the SBA Defendants
12 have not answered. Nonetheless, the Scheduling Order (Doc. 44) has not been modified and
13 deadlines have arrived or are fast-approaching. For example, the parties' deadline for
14 engaging in good faith settlement talks was March 6, 2020, and today is the deadline for
15 filing a joint report on those talks. Plaintiff has been unavailable since on or about March
16 6, 2020. A March 6, 2020, email to Plaintiff resulted in an "out of office" message indicating
17 he is away until March 15, 2020, and may not respond during his absence. He has not
18 responded.

19 Under the circumstances, and in the interest of economy, the SBA Defendants'
20 respectfully move this Court for an Order deferring the above-referenced deadlines related
21 to good faith settlement talks and all other remaining Scheduling Order deadlines until
22 resolution of the SBA Defendants' pending Motion to Dismiss (Doc. 43) and the issuance
23 of an amended Scheduling Order.

24 Given Plaintiff's current absence, efforts to determine his position on this motion
25 have been unsuccessful. Pursuant to LRCiv 7.3(a), a proposed form of order consistent with
26 the relief requested is lodged herewith.

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1 DATED this 13th day of March, 2020.

2 **BONNETT, FAIRBOURN, FRIEDMAN &**
3 **BALINT, P.C.**

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5 By /s/ Lisa T. Hauser
6 Lisa T. Hauser
7 Carrie A. Laliberte
8 2325 E. Camelback Rd., Ste. 300
9 Phoenix, Arizona 85016
10 *Attorneys for Defendant State Bar of Arizona*

11 **CERTIFICATE OF SERVICE**

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13 I hereby certify that on this 13th day of March, 2020, I served the attached document
14 by e-mail on the following, who is not a registered participant of the CM/ECF System: Peter
15 Strojnik, Sr.

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18 /s/ Lisa T. Hauser
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